

Brent O. Hatch (5715)  
Mark F. James (5295)  
HATCH, JAMES & DODGE  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 363-6363  
Facsimile: (801) 363-6666

Robert Silver (admitted pro hac vice)  
Edward Normand (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, New York 10504  
Telephone: (914) 749-8200  
Facsimile: (914) 749-8300

Stuart H. Singer (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
401 East Las Olas Boulevard – Suite 1200  
Ft. Lauderdale, Florida 33301  
Telephone: (954) 356-0011  
Facsimile: (954) 356-0022

Stephen N. Zack (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
Bank of America Tower – Suite 2800  
100 Southeast Second Street  
Miami, Florida 33131  
Telephone: (305) 539-8400  
Facsimile: (305) 539-1307

*Attorneys for The SCO Group, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

---

<p>THE SCO GROUP,  Plaintiff/Counterclaim-Defendant  v.  INTERNATIONAL BUSINESS MACHINES CORPORATION,  Defendant/Counterclaim-Plaintiff</p>	<p><b>DECLARATION OF BRENT O. HATCH REGARDING THE EXHIBITS TO SCO'S MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ON IBM'S SIXTH, SEVENTH AND EIGHTH COUNTERCLAIMS</b></p> <p>Case No. 2:03CV0294DAK</p> <p>Honorable Dale A. Kimball Magistrate Judge Brooke C. Wells</p>
---	---

---

I, Brent O. Hatch, declare:

1. I am a citizen of the United States, am over the age of 21, and am competent to testify to the matters set forth herein.

2. I am an attorney at law duly licensed to practice before all the Courts of the State of Utah, and an attorney with the firm of HATCH, JAMES & DODGE PC, counsel for Plaintiff, The SCO Group, Inc., in the pending action.

3. Attached to SCO's Memorandum for Partial Summary Judgment on IBM's Sixth, Seventh and Eighth Counterclaims ("SCO's Memo for PSJ-GPL") and filed therewith as Exhibit A is a true and correct copy of General Public License.

4. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit B is a true and correct copy of the Declaration of Erik Hughes, dated December 7, 2004.

5. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit C is a true and correct copy of Erik Hughes Deposition Transcript, at 16, 37, 48, 51, 53, 57, 67, 72-73, and dated May 11, 2004.

6. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit D is a true and correct copy of Chris Sontog Deposition Transcript, at 208-209, 211, 221-223, and dated May 12, 2004.

7. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit E is a true and correct copy of the Declaration of Chris Sontog, dated November 30, 2004.

8. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit F is a true and correct copy of Erik Hughes Deposition Transcript, at 179, 181-182, 186, 188-189, 190-191, 194-195, 200-201, and dated March 2, 2006.

9. Attached to SCO's Memo for PSJ-GPL and filed therewith as Exhibit G is a true and correct copy of Erik Hughes Deposition Transcript, at 37-38, 60, 121, and dated November 11, 2005.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 25<sup>th</sup> day of September, 2006.

HATCH, JAMES & DODGE, P.C.  
Brent O. Hatch  
Mark F. James

BOIES, SCHILLER & FLEXNER LLP  
Robert Silver  
Stuart H. Singer  
Stephen N. Zack  
Edward Normand

By: 

*Counsel for The SCO Group, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of September, 2006, I caused to be served a true and correct copy of the foregoing by CM/ECF or by U.S. Mail, postage prepaid, to the following:

David Marriott, Esq.  
Cravath, Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019

Donald J. Rosenberg, Esq.  
1133 Westchester Avenue  
White Plains, New York 10604

Todd Shaughnessy, Esq.  
Snell & Wilmer LLP  
1200 Gateway Tower West  
15 West South Temple  
Salt Lake City, Utah 84101

